

### **Remarks**

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

Claim 15 has been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 15 has been amended so as to address this rejection. As a result, withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

Claims 1, 5 and 16 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1, 5 and 16 have been amended so as to overcome this rejection. As a result, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claims 1-14 and 16 have been rejected under 35 U.S.C. §102(b) as being anticipated by Sequeira (US 6,222,530).

Claims 1, 14 and 16 have been amended so as to further distinguish the present invention from the reference relied upon in the rejection. Further, claims 2 and 6-12 have been canceled without prejudice or disclaimer to the subject matter contained therein, and new claims 17 and 18 have been added.

The above-mentioned rejection is submitted to be inapplicable to the claims for the following reasons.

Claim 1 is patentable over Sequeira, since claim 1 recites a device including, in part, a schedule information managing section operable to manage schedule information indicative of master device candidates by a plurality of segments of at least time of day or season; a device information processing section operable, when the device operates as a master device, to specify, at a predetermined time, a slave device from among a plurality of slave devices which are the master device candidates indicated by the schedule information in a segment of at least time of day or session corresponding to the predetermined time based on other device information, and operable to obtain predetermined information regarding a state of change of the specified slave device from the specified slave device; and a switch controlling section operable to compare the predetermined information regarding the state change of the specified slave device with predetermined information regarding a state change of the device, and operable, when the state change of the specified slave device is smaller than the state change of the device, to switch between a master operation operated by the device and a slave operation operated by the specified slave device. Sequeira fails to disclose or suggest any of these features of claim 1.

Sequeira discloses a broadcast system including a distributed broadcast scheduler architecture where devices, such as media servers and tape drives, can operate independently of a scheduler due to the use of a master scheduler 120 and a slave task scheduler 140, thereby ensuring that a failure of the master scheduler 120 does not bring down the entire system. More specifically, the system includes a service specific graphical user interface (GUI) 110 residing on one computer and the master scheduler 120 residing on a second computer.

A service/master scheduler API 170 includes two parts, a service/master scheduler API 170a which is a part of the service specific GUI 110 and a service/master scheduler API 170b which is part of the master scheduler 120. The master scheduler 120 communicates with a media server 130 which includes the slave task scheduler 140. A master/slave scheduler API 180 includes two parts, a master/slave scheduler API 180a which is a part of the master scheduler 120 and a master/slave scheduler API 180b which is a part of the slave task scheduler 140. Based on this configuration, the master scheduler 120 is capable of monitoring the slave task scheduler 140 so as to allow the master scheduler 120 to institute a recovery procedure should the slave task scheduler 140 stop operating properly. (See column 3, line 62 - column 4, line 56; column 9, line 66 - column 10, line 12; Table 2; and Figure 1).

Based on the above discussion, it is apparent that Sequeira discloses a system whereby multiple schedulers (i.e., the master scheduler 120 and the slave task scheduler 140) are used to increase the robustness of the system. However, there is no disclosure or suggestion in Sequeira of the master scheduler 120 and the slave task scheduler 140 switching operations based on any conditions.

Therefore, it is clear that Sequeira fails to disclose or suggest that the master scheduler 120, or any other component in the system, manages schedule information indicative of master device candidates by a plurality of segments of at least time of day or season; specifies, when a device operates as a master device, at a predetermined time, a slave device from among a plurality of slave devices which are the master device candidates indicated by the schedule information in a segment of at least time of day or session corresponding to the predetermined time based on other device information, obtains predetermined information regarding a state of change of the specified slave device from the specified slave device; compares the predetermined information regarding the state change of the specified slave device with predetermined information regarding the state change of the device, and switches, when the state change of the

specified slave device is smaller than the state change of the device, between a master operation operated by the device and a slave operation operated by the specified slave device. As a result, claim 1 is patentable over Sequeira.

Further, it is noted that claims 14-16 are patentable over Sequeira for reasons similar to those set forth above in support of claim 1. That is, claims 14-16 recite similar limitations to those discussed above with regard to claim 1 that are lacking from Sequeira.

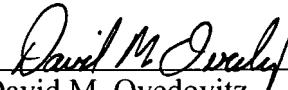
Claims 4 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sequeira in view of Hart (US 6,005,759). Regarding this rejection, it is noted that Hart is relied upon as disclosing a system for monitoring and controlling an electrical distribution network. However, it is clear that Hart also fails to disclose or suggest the above-discussed features recited in claim 1 that are lacking from Sequeira. Since claim 4 is dependent from claim 1, it is apparent that claim 4 is patentable over the combination of Sequeira and Hart for at least the reasons set forth above in support of claim 1.

Because of the above-mentioned distinctions, it is believed clear that claims 1, 3-5 and 13-18 are patentable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1, 3-5 and 13-18. Therefore, it is submitted that claims 1, 3-5 and 13-18 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Kazuyuki KASHIWABARA et al.

By:   
David M. Ovedovitz  
Registration No. 45,336  
Attorney for Applicants

DMO/jmj  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
October 18, 2007